

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
ERIE DIVISION

	:	
	:	
LANCE THORNTON,	:	
Plaintiff	:	
	:	
v.	:	
	:	
STEVEN DELUCA, JOHN DOE 1, JOHN	:	
DOE 2, JOHN DOE 3, JOHN DOE 4,	:	
JOHN DOE 5, JOHN DOE 6, JOHN DOE	:	Case No.: 1:23-cv-164
7, JOHN DOE 8, and JOHN DOE 9,	:	
JOHN DOE 10, and CITY OF ERIE,	:	
PENNSYLVANIA,	:	
	:	
	:	
	:	
Defendants	:	
	:	

MOTION TO REMAND REMOVED CASE

NOW COMES the Plaintiff, through counsel, and moves this honorable Court for the remand of this removed case to the Erie County Court of Common Pleas for further proceedings, respectfully representing:

1. On March 24, 2023, Plaintiff Lance Thornton initiated this case in the Court of Common Pleas of Erie County, Pennsylvania against the above-named defendants, who were then properly served.
2. On April 20, 2023, Plaintiff served pre-complaint discovery requests on Defendants, and on June 2, 2023, Defendants served responses to the discovery requests.
3. On June 6, 2023, Defendant DeLuca removed the case to this court.

4. No complaint has yet been filed in the Erie County Court of Common Pleas.

5. Since a case cannot be removed to this court until after an “initial Pleading” has been filed, the removal of this case was improper, and it should be remanded to the Erie County Court of Common Pleas.

6. Plaintiff is submitting herewith a brief in support of this motion.

WHEREFORE, Plaintiff respectfully moves for Remand of the action, together with his costs, including attorney’s fees, occasioned by the improper removal.

Respectfully submitted,

MCNAIR LAW OFFICES, PLLC

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